

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner, No. CIV S-97-0152 WBS KJM

vs. DEATH PENALTY CASE

ROBERT L. AYERS, JR.,
Acting Warden of San Quentin
State Prison,

Respondent. ORDER

Respondent moves to file his exhibit/witness list under seal based on the June 14, 2006 protective order. Petitioner does not oppose the request. The court, however, is concerned about the unnecessary sealing of information that should be generally available in this public proceeding. The protective order is limited to documents produced to respondent in response to respondent's motion to discover trial counsel's file and the mental health examinations of Drs. Yarvis and Hutchinson, prepared at trial counsel's request in preparation for trial. Information in respondent's exhibit/witness list covered directly by the protective order shall be sealed. All other information shall be made available on the court's public docket.

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1 Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

2 1. Respondent's November 15, 2006 motion to file exhibit/witness list under
3 seal is granted in part.
4 2. Within five days of the filed date of this order respondent shall file:
5 (a) under seal, his entire exhibit/witness list, and (b) publicly, a version of
6 the exhibit/witness list with redactions of only that information directly
7 covered by the June 14, 2006 protective order.

8 DATED: November 27, 2006.

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11 U.S. MAGISTRATE JUDGE
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